

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HARRY KARTEN,

Plaintiff,

v.

PNC BANK, NATIONAL ASSOCIATION
and ISAAC UDOTONG,

Defendants.

Case No.: 1:22-CV-03200-LGS

**ORDER AUTHORIZING INTERPLEADER
DISBURSEMENT OF FUNDS IN THE
COURT REGISTRY TO HARRY KARTEN**

PNC BANK, NATIONAL
ASSOCIATION,

Counterclaim Plaintiff,

v.

HARRY KARTEN,

Counterclaim Defendant.

PNC BANK, NATIONAL ASSOCIATION,

Interpleader Plaintiff,

v.

HARRY KARTEN,

Interpleader Defendant
(via Counterclaim),

ISAAC UDOTONG,

Interpleader Defendant
(via Cross-Claim), and

ESTRELLA RAMSON ENTERPRISES, LLC,

Interpleader Defendant
(via Third-Party Claim).

LORNA G. SCHOFIELD, District Judge:

WHEREAS, Interpleader Defendant Estrella Ramson Enterprises has been served with process, failed to appear to answer and by its default has forfeited any claim to the funds at issue, *see N.Y. Life Ins. Co. v. Conn. Dev. Auth.*, 700 F.2d 91, 94-95 (2d Cir. 1983); *accord Bank of Am., N.A. v. Morgan Stanley & Co. Inc.*, No. 10 Civ. 6322, 2011 WL 2581765, at *4 (S.D.N.Y. June 24, 2011);

WHEREAS, Interpleader Defendant Isaac Udotong has expressly waived any claim to the funds at issue in his settlement agreement with Interpleader Defendant Harry Karten, leaving Karten as the only potential claimant;

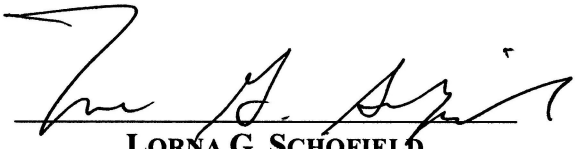
Upon the Motion of Harry Karten (“Karten”) for an Order pursuant to 28 U.S.C. § 1335 directing the Clerk of the Court to disburse the interpleader funds previously deposited in the Court Registry in the amount of \$255,318.25, plus any accrued interest, and this Court having found Karten to be entitled to the relief set forth in this Order pursuant to 28 U.S.C. § 1335; and due, sufficient, and proper notice of the Motion having been provided; and the Court having found and determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein, it is hereby ORDERED that: **for substantially the reasons in Karten's motion papers,**

1. The Motion is GRANTED;
2. The Clerk of this Court is hereby **respectfully directed** ~~ordered~~ to disburse the interpleader funds in the amount of \$255,318.25, plus any accrued interest, to Harry Karten via check, made payable to “Harry Karten” and to mail the check to the following address:

Harry Karten
250 Moonachie Rd Ste 303
Moonachie, NJ 07074

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 72, enter judgment in accordance with this Order and close the case.

Dated: March 17, 2023
New York, New York

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LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE